

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-36 and 39-40 are presently pending in this application, Claims 1-33 having been previously withdrawn from consideration, Claims 34, 35, 36, 39 and 40 having been amended and Claims 37 and 38 having been canceled by way of the present amendment.

In the outstanding Office Action, Claims 34, 36 and 38-40 were rejected as being anticipated by Mori et. al (United States Patent Number 5390205, referred to below as MORI); and Claims 35 and 37 were rejected as being unpatentable over MORI.

Applicants appreciatively acknowledge the courtesy extended by Examiner Davie by holding an interview on November 10, 2003 with the undersigned, as well as Mr. Yamamoto and Dr. Irikawa (employees of assignee). During the interview, the undersigned provided the Examiner with proposed claim amendments, proposing to amend Claim 34 to cover structures with conductivities like that shown in Figure 3A of the present application, and exclude structures with conductivities like that shown in Figure 3B. This amendment is made in view of the teachings in MORI.

The undersigned notes that amended Claim 34 is identical to the proposed claim discussed during the interview, except the parenthetical term (Tn or Tp) at the second to last line of Claim 34 has been deleted for clarity. Dependent Claims 39 and 40 have similarly been amended to delete this term.

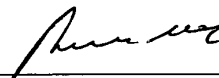
It is believed that amended Claim 34 patentably defines over MORI, which discloses a semiconductor laser device having a different structure than what is presently claimed in amended Claim 34.

The Office Action dated Aug. 14, 2003 states that "it would have been obvious for one of ordinary skill in the art to select preferred conductivity types as is taught by Mori et. Al. No unexpected results are seen to accrue" referring the MORI at col. 36, lines 53-57. Applicants traverse this characterization, especially in light of the present amendment. MORI at col. 36, lines 53-57 does not specifically teach what kind of conductivity types for semiconductor layers should be employed, when an n type substrate is employed. Moreover, this statement in MORI is directed to a substrate, not the layers of the structure itself. Thus, it would not be obvious from MORI to configure the semiconductor structure described in the claimed invention. Please note that present claimed invention can still be used to the semiconductor laser device having a p type substrate, as the main features of Claim 34 are not directed to the substrate, but rather the other layers in the device.

Consequently, the present application is believed to be in condition for formal allowance, and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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